



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,699	04/19/1999	YASUSHI TANAKA	450108-4542	2687
20999	7590	04/13/2009	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SALCE, JASON P	
ART UNIT	PAPER NUMBER			
		2421		
MAIL DATE	DELIVERY MODE			
04/13/2009	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Item 11 from Advisory

Applicant argues that the plurality of commercial information for a single program can be successively displayed with being shifted temporally is not taught by Schein.

Applicant notes that since the claim limitation states that the commercial information is successively displayed with being shifted temporally that this strictly suggests that the commercial information is successively displayed one after another in time.

Applicant further notes that the these limitations are defined in Paragraph 0138, however, this Paragraph only states the claim limitation verbatim and provides no further definition to the meaning of the terms displayed successively, shifted temporally from one another. Therefore, the Examiner has referred to the dictionary definitions of these terms, where successively is defined as "following in order" and temporally is defined as "pertaining to time".

The Examiner disagrees that the claim limitations "successively displayed with being shifted temporally" requires that the commercial information be displayed "one after another in time". The Examiner notes that these claim limitations are broad enough to read on the Schein reference, wherein the menu items 2-3 and 5-6 are successively displayed in a vertical sequence, thereby "following in order", and are shifted temporally by displaying the menu items 2-3 and 5-6 at 7:48, thereby "pertaining to time".

Even if the Examiner was consistent with Applicant's interpretation of the claim limitations "successively displayed with being shifted temporally", further note

Figures 21D-21F, which further shows overlay windows to the viewer containing additional commercial information items for the same NFL television program, that are displayed in sequence (**successively**) and shifted temporally (**pertaining to time by allowing the user to access the next menu at a different time**).